

Retention and Classification Report

Agency: District Court (Fourth District : Wasatch County) (1681)

1361 South US Highway 40
P.O. Box 730
Heber City, UT 84032
435-654-5281

Records Officer

84612	Civil case files
84158	Civil registers of actions
17481	Criminal case files
84160	Judgment docket books
10081	Judgments
09889	Minutes
03590	Probate case files
09869	Probate register

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 84612

3

TITLE: Civil case files

DATES: 1896-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Original complaint or summons, and all legal papers filed through disposition or dismissal of civil cases, the proceedings between parties wherein rights are enforced or protected, or wrongs are prevented or redressed, which cannot legally be called criminal cases, involving real property and incidents in Wasatch County. Transcripts and exhibits are not included. Civil cases include petitions for divorce, suits to recover money, voluntary withdrawal or dissolution of corporations, and writs of habeas corpus. For the approximately twenty years following statehood, grand jury reports and lists, various writs, oaths of office, etc, were also assigned civil case numbers.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series were specifically approved by the State Records Committee.

APPROVED: 07/1983

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 5 years and then transfer to State Records Center. Retain in State Records Center for 35 years and then transfer to State Archives.

Microfilm master: Retain in State Archives permanently with authority to weed.

Microfilm duplicate: Retain in Office permanently.

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 84612

TITLE: Civil case files

(continued)

APPRAISAL:

Historical

Disposition based on documentation about individuals, legal procedure, court history and functions. Case files have legal and administrative value to the court through dismissal or satisfaction of the final judgment. They enforce or protect private rights and prevent or redress private wrongs. The value of the judge's decrees and final judgments to parties in an action may well extend beyond their immediate administrative use.

PRIMARY CLASSIFICATION:

Public

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 84158

4

TITLE: Civil registers of actions

DATES: 1896-

ARRANGEMENT: Numerical by case number, thereunder chronological
DESCRIPTION:

Civil cases document the legal process and the administration of justice in conjunction with civil proceedings for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed. Records and documents pertaining to a particular civil action are filed together by the court clerk and collectively these documents constitute the case file. As these records or actions are filed, the clerk enters them in the registers which comprise this series. The clerk is required as documents enter the case file to make a notation that shows "the nature of each paper filed or writ issued and the substance of each order or judgment of the court and of the returns showing execution of process. The notation of an order or judgment shall show the date the notation is made. When trial by jury has been properly demanded or ordered the clerk shall enter the word "jury" on the page assigned to that action [UCA 79 (b) (2)]."

A register of actions may contain the following entries for each civil case: name of the attorney for plaintiff and defendant, name of the judge presiding over the case, petitions, complaints, summons, answers to summons, orders from the court, assignment of judges, exhibits, judgment, findings and conclusions, costs, decrees, requests by attorneys for instructions to the jury, verdict, motions for cross complaints or new trials, amendments to previous answers and disclaimers.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series were specifically approved by the State Records Committee.

APPROVED: 07/1989

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 84158

TITLE: Civil registers of actions

(continued)

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 9 years and then microfilm and destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

APPRAISAL:

Historical

This retention reflects a previous decision by the Judicial Council (1983) and the historical value of these records to document actions taken in civil cases in Wasatch County.

PRIMARY CLASSIFICATION:

Public

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 17481

3

TITLE: Criminal case files

DATES: 1900-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Case files are made up of the various documents filed with the Fourth District Court in Wasatch County pertaining to each specific case. The records usually contain information such as the case number, and the names of the defendants, counsel, jurors, and witnesses. The case file may include complaints, indictments, subpoenas, verdicts, warrants of arrest, execution or confinement, warrant returns, affidavits, orders, judgments, appeal notices. Files rarely include transcripts of testimony.

First, second, and third degree felony cases are the predominant case file type within this series (a major crime for which the maximum imprisonment is more than one year in a state correctional institution). This would include first degree offenses such as murder, rape, aggravated kidnapping, aggravated burglary and robbery, arson, and possession with intent to distribute drugs. Second degree offenses include: manslaughter, robbery, residential burglary, kidnapping, perjury, forgery, theft of property valued over \$1,000.00, forcible sexual abuse, and intentional child abuse. Third degree felonies include: burglary of non-dwellings, theft, aggravated assault, forgery, unlawful sexual intercourse, joyriding, possession with intent to distribute marijuana or cocaine, and false or forged prescriptions.

This series also contains misdemeanor cases which are punishable by a county jail term of up to one year and/or a fine.

Misdemeanors include: negligent homicide, driving under the influence, theft, assault on a police officer, criminal mischief, resisting arrest, reckless driving, possession of marijuana, shoplifting, trespassing, and possession of a concealed weapon.

Juvenile cases tried prior to 1907 can also be found in this series. In 1907, a separate statewide juvenile court was established allowing juvenile court jurisdiction in all matters involving children 18 years of age and younger, including parents and guardians of juvenile delinquents.

Missing cases should not be found in appellate court records since the Supreme Court is required by law [Rule 76 (d)] to remit their decision to the District Court "together with such papers transmitted to the Supreme Court on appeal." Furthermore, Rule 75 (n) states that after the appeal has been disposed of, any

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 17481

TITLE: Criminal case files

(continued)

original papers should be returned to the custody of the district court. Cases which are appealed to the District Court from lower courts will be found in this series.

RETENTION:

Retain Permanent

DISPOSITION:

Retain in agency custody.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 5 years and then transfer to State Records Center. Retain in State Records Center for 25 years after being microfilmed and then transfer to State Archives with authority to weed.

APPRAISAL:

Historical

Disposition based on documentation about individuals, legal procedure, court history and functions. Case files have legal and administrative value to the court through dismissal or satisfaction of the final judgment. They enforce or protect private rights and prevent or redress private wrongs. The value of the judge's decrees and final judgments to parties in an action may well extend beyond their immediate administrative use.

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 17481

TITLE: Criminal case files

(continued)

PRIMARY CLASSIFICATION:

Public

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 84160

3

TITLE: Judgment docket books

DATES: 1893-

ARRANGEMENT: Alphabetical by name of judgment debtor

DESCRIPTION:

This volume serves as an alphabetical index to judgments rendered by the district court. It includes: the name of the judgment debtor, name of judgment creditor, the judgment, time of entry, book and page recorded in judgment record; date appealed, judgment of appellant court, and satisfaction.

RETENTION:

Retain permanently.

DISPOSITION:

Retain in agency custody.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

APPROVED: 07/1989

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 9 years after being microfilmed and then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently with authority to weed.

Microfilm duplicate: Retain in Office permanently.

Paper: For records beginning in 1891 through 1915. Retain in State Archives permanently with authority to weed.

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 84160

TITLE: Judgment docket books

(continued)

APPRAISAL:

Historical

This retention is based on the Judicial Council's Decision (1983) and the historical value of this volume to document the judgments rendered in civil cases in the Fourth District Court.

PRIMARY CLASSIFICATION:

Public

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 10081

3

TITLE: Judgments

DATES: 1900-

ARRANGEMENT: Numerical by book number, thereunder chronological
DESCRIPTION:

This series documents judgments for civil matters processed and filed in the Fourth District Court in Wasatch County. The records provide information on the actual court case including information generated during or after the final judgment. They may also contain information from governmental agencies including: the Tax Commission, Industrial Commission, and Unemployment.

RETENTION:

Retain permanently.

DISPOSITION:

Retain in agency custody.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

APPROVED: 11/2003

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in State Archives until microfilmed and then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently with authority to weed.

Microfilm duplicate: Retain in Office permanently.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 10081

TITLE: Judgments

(continued)

APPRAISAL:

Historical

Disposition based on documentation about individuals, legal procedure, court history and functions. Book(s) serve as a vital record essential for the operation of the court and its ability to fulfill obligations to the public.

PRIMARY CLASSIFICATION:

Public

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 9889

3

TITLE: Minutes

DATES: 1896-

ARRANGEMENT: Chronological

DESCRIPTION:

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 9 years and then microfilm and destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

PRIMARY CLASSIFICATION:

Public

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 3590

3

TITLE: Probate case files

DATES: 1883-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Probate case files from the Fourth District Court in Wasatch County primarily involve the probate of estates for deceased persons and guardianship for minors and incompetent persons. Probate is judicial oversight of property in transition. Probate of estates is the process by which a deceased person's property is identified and maintained, his debts and taxes paid, and then remaining property distributed to beneficiaries as specified in a will or as required by law for persons who die intestate (without a will). In guardianship cases probate is the establishment of a guardian for minors or incompetent adults who hold property that needs management. In addition to probate these case files also include name changes and some adoptions.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 50 years and then transfer to State Archives with authority to weed.

Microfilm master: Retain in State Archives permanently with authority to weed.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

M-Disk: Retain in State Archives permanently with authority to weed.

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 3590

TITLE: Probate case files

(continued)

APPRAISAL:

Historical

Disposition based on documentation about individuals, legal procedure, court history and functions. Case files have legal and administrative value to the court through dismissal or satisfaction of the final judgment. Because they enforce or protect private rights and prevent or redress private wrongs, the value of the judge's decrees and final judgments to parties in the action may well extend indefinitely.

PRIMARY CLASSIFICATION:

Public

SECONDARY CLASSIFICATION(S):

Exempt.

Judicial records are public unless restricted under rules of civil procedure (UCA 63G-2-301-[1][f]). Included are custody proceedings, guardianship files, minutes, & probate records. Wills are generally

AGENCY: District Court (Fourth District : Wasatch County)

SERIES: 9869

3

TITLE: Probate register

DATES: 1897-

ARRANGEMENT: Chronological

DESCRIPTION:

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 5 years and then transfer to State Records Center. Retain in State Records Center for 5 years and then microfilm and destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

PRIMARY CLASSIFICATION:

Public